

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

949 MISC.CIVIL APPLICATION NO.250 OF 2021

**RAJNANDINI ARUN NAGRE AND ANOTHER
VERSUS
ARUN BHAGWAN NAGRE**

...
Advocate for Applicants : Mr.Nandedkar Devanand Y.
Advocate for Respondent : Mr. Govind Bhagwan Chate
...

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 02.12.2022.

PER COURT :

1. The learned counsel for the respondent tendered across the bar the affidavit-in-reply, a copy of which is already supplied to the other side.

2. Leave to correct the prayer Clause (B) by inserting the words 'Family Court, Aurangabad' instead of 'C.J.S.D. Aurangabad'.

3. Heard rival submissions.

4. The applicant is seeking transfer of Hindu Marriage Petition No. 395 of 2020 filed by the respondent husband for getting divorce from the Court of C.J.S.D., Nagpur to Family Court Aurangabad. According to the learned counsel for the applicant the

distance between the Aurangabad to Nagpur is 500 k.m. Further the applicant is not having any source of income and she has also one daughter to look after. On the contrary the respondent is Government Servant and he can very well attend the dates at Aurangabad since he has already appeared in the PWDVA proceedings bearing No. 404 of 2019 lodged by the applicant.

5. On the contrary, the learned counsel for the respondent strongly opposed the application by relying on the affidavit-in-reply of the respondent wherein the respondent has claimed that he is in service in Health Department, at Kamti and cannot get frequent leave.

6. However, it is significant to note that the applicant is not having any independent source of income. Moreover, she is also having one daughter of tender age, therefore, it would highly difficult for her to travel from Aurangabad to Nagpur. The respondent is already attending the dates of PWDVA proceedings at Aurangabad and therefore, considering the convenience of the wife, following order is passed :

ORDER

- i) The application is allowed.
- ii) The Marriage Petition No. 395 of 2020 is

hereby transferred from the Court of C.J.S.D. Nagpur to the Family Court, Aurangabad for disposal according to law.

iii) The respondent is directed to appear before the Family Court Auangabad on or before 02.01.2023.

(SANDIPKUMAR C. MORE)
JUDGE

mahajansb/